City of Miami Beach - City Commission Meeting Commission Chambers, 3rd Floor, City Hall 1700 Convention Center Drive July 7, 2004

Mayor David Dermer Vice-Mayor Richard L. Steinberg Commissioner Matti Herrera Bower Commissioner Simon Cruz Commissioner Luis R. Garcia, Jr. Commissioner Saul Gross Commissioner Jose Smith

City Manager Jorge M. Gonzalez City Attorney Murray H. Dubbin City Clerk Robert E. Parcher

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

ADDENDUM

C7 - Resolutions

C7Y A Resolution Amending Resolution No. 2002-24768 By Providing A Revision Of The Conditions Attached To A Lien Settlement Agreement For Property Located At 2925 Indian Creek Drive And Further Authorize The Mayor And City Clerk To Execute Any And All Documents Necessary To Effectuate The Amendment.

(City Manager's Office)

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: July 7, 2004

COMMISSION MEMORANDUM

To: Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject: A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE

CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2002-24768 BY PROVIDING A REVISION OF THE CONDITIONS ATTACHED TO A LIEN SETTLEMENT AGREEMENT FOR PROPERTY LOCATED AT 2925 INDIAN CREEK DRIVE AND FURTHER AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY

TO EFFECTUATE THE AMENDMENT.

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS:

In 2002, the City Commission approved a Lien Settlement Agreement with the owner of the property located at 2925 Indian Creek Drive that provided for a \$50,517.20 payment by the current property owner in settlement of liens that accrued on the property in the total amount of \$476,578.54.

As part of the Lien Settlement Agreement, the City also conditioned the release upon the receipt of an Occupational License and Certificate of Use and a final inspection for the renovation project which was to be undertaken by the property owner negotiating the release. The intent of the conditions was to assure that the property in fact was renovated and put back to productive use in the City.

The property owner has completed virtually all of the work attendant to the property renovation, has received the Occupational License and Certificate of Use but is unable for a short period of time to achieve final inspection or Certificate of Occupancy pending a few minor items with the Fire and Planning Departments. The building owner has received a Temporary Certificate of Occupancy and has addressed all life safety issues.

The specific wording of the original Lien Settlement Agreement with the City stipulated final inspection and until such time as that condition is complied with or amended as suggested in this agenda item, the property owner is unable to close on the property and complete financing associated with the project.

Agenda Item <u>C7 y</u>
Date 7-7-09

As the principal intent of the Lien Settlement Agreement has been fulfilled by the property owner and the items remaining are relatively minor in nature, it is recommended that the City facilitate the closing of the financing on subject property and alter the original Resolution to reflect receipt of a Temporary Certificate of Occupancy and also further retain the ability to suspend the Occupational License in the event that the Certificate of Occupancy is not received within an appropriate period of time.

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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2002-24768 BY PROVIDING A REVISION OF THE CONDITIONS ATTACHED TO A LIEN SETTLEMENT AGREEMENT FOR PROPERTY LOCATED AT 2925 INDIAN CREEK DRIVE AND FURTHER AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE AMENDMENT.

WHEREAS, in 2002, the City Commission approved a Lien Settlement Agreement for the property known as the Alden Hotel located at 2925 Indian Creek Drive that released accumulated liens in exchange for a cash payment to the City and upon fulfillment of certain conditions by the property owner; and

WHEREAS, one of the conditions explicitly identified in the approval by the Mayor and City Commission was that the property receive a final Inspection/Certificate of Occupancy prior to final release of the lien; and

WHEREAS, the intention of the original condition was to assure that the subject building was completely restored and made available for productive use within the City; and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that Resolution No. 2002-24768 Subsection C. is hereby amended to reflect the condition of Temporary Certificate of Occupancy rather than the issuance of a Final Inspection as a condition for release of the subject liens on the property and further that in the event the final items necessary to obtain a Certificate of Occupancy for the property are not promptly completed the City may at its sole discretion immediately suspend the Occupational License and Certificate of Use for the subject property.

PASSED and ADOPTE	D this day of, 2004.
ATTEST:	MAYOR
City Clerk	

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